



Virginia
Regulatory
Town Hall

townhall.state.va.us

Exempt Action Final Regulation Agency Background Document

Approving authority name	State Air Pollution Control Board
Primary action	Article 10, 9 VAC 5-80
Secondary action(s)	None
Regulation title	Regulations for the Control and Abatement of Air Pollution
Action title	Permit Application Fees (Rev. C04)
Document preparation date	June 30, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of the regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment.

New stationary sources that are classified as "major" in one of the new source review programs are subject to permit application fees. Since that classification is unique to each program, the definitions of "major stationary source" and "major source" from each applicable program are used to determine applicability.

The amount of the fee for each permit application is based upon the new source review program that is applicable. Applications subject only to PSD new source review requirements are also subject to a permit application fee of \$30,000. Applications subject only to Nonattainment Area new source review requirements are also subject to a permit application fee of \$20,000. Applications subject only to HAP new source review requirements are also subject to a permit application fee of \$15,000. Applications for a "state major" source subject only to minor source new source review requirements are also subject to a permit application fee of \$5,300. Applications for a general permit for a new major stationary source are subject to a permit application fee of \$300. The total permit application fee will depend on how many of these new source review programs are applicable to the new source, but the maximum permit application fee for any one application is \$30,000.

The permit application fee is non-refundable and due when the application is submitted to the Department. If the permit application fee payment is not complete, then the permit application is not complete. Departmental review of the application may not proceed beyond the initial applicability determination until a permit application fee for the proper amount is received.

The owner of the source may apply the paid amount of the permit application fee as credit towards the annual permit program fees owed for the first two years of the source's operation.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On June 29, 2004, the State Air Pollution Control Board adopted final amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution", specifically Permit Application Fees (9 VAC 5 Chapter 80, Article 10). The regulation amendments are to be effective upon filing with the Registrar of Regulations.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of Chapters 249 and 324 of the 2004 Acts of Assembly.

Additional Information

Please indicate that the text of the regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are available upon request.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law.

If the exemption claimed falls under § 2.2-4006 A 4 c of the APA please identify the federal law or regulations being relied upon for the final agency action.

The text of the regulation is available upon request.

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Letters providing written assurance from the Office of the Attorney General that (i) the Board has statutory authority to promulgate the final regulation amendments and (ii) the amendments qualify as an exemption under Chapters 249 and 324 of the 2004 Acts of Assembly.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the

Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

TEMPLATES\EXEMPT\TH09
REG\DEV\C04-08TH